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OLC 70-0704

2 October 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Conversations with Ed Braswell, Senate Armed Services Committee Staff, and Bill Woodruff, Senate Appropriations Committee Staff, Regarding the Fulbright Amendment to the Military Procurement Act

REFERENCE: Memorandum for the Record by Mr. Maury, dtd 1 October 1970, Subj: Conversation with Edward Braswell re Fulbright Amendment Problems

1. By way of followup to Ed Braswell's call to Jack Maury last night (reported in referent memorandum), Mr. Warner and I met with Braswell this morning to review Southeast Asian programs which might be affected by enactment of the Fulbright amendment to the Military Procurement Act using the "spread sheet" dated 1 October 1970 prepared by Mr. John Clarke, OPPB. Mr. Warner reviewed the programs on an item by item basis.

2. Braswell had no quarrel with the statements on the congressional impact on each of these programs and seemed to see the merit in most of them. He commented that it was unfortunate the Administration had not been forthcoming with the Committee when the Senate was considering the Procurement Act since something might have been done at that time. He said something still might be done if the Administration was willing to come forward and discuss the matter.

3. Braswell said he found the briefing very useful and informative. During the course of the meeting Braswell was called to Senator Stennis' office and he took the spread sheet with him. When he returned he said he mentioned to Senator Stennis Mr. Helms' request for a meeting. The

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Senator acknowledged that he would be getting together with the Director but did not give Braswell an opportunity to go into any of the details with him. We are quite certain that Braswell did not have an opportunity to review the spread sheet with Stennis before the Senator met with the Director later in the morning.

4. At the conclusion of our meeting I told Braswell that we had not talked with him further about the activity at Cienfuegos since it had been decided at a high level in the Executive Branch that the Department of Defense should handle this subject.

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5. Mr. Warner and I then met with Bill Woodruff and went through the spread sheet with him. Woodruff expressed reservations about the continuation of [ ] on the ground that it was a program which would support the Laotian government. He seemed to feel that the continuation of any program which tended to support either the governments of Laos or Cambodia was questionable. He appeared to follow a theory that the restriction of the Fulbright amendment applied across the board despite the provisions of subsection (B) of section 502 authorizing support for local forces in Laos and Thailand but he retrenched somewhat on this and said he would have to study the language further.

6. Woodruff brought up the subject of the Defense Appropriation bill and the problems that might be raised concerning Southeast Asian programs. He said the Fulbright restriction would not be in the Appropriation bill as it was passed by the House but it would surely be in the bill as reported to the Senate in order to reflect the Senate's position on the Authorization bill. Woodruff also repeated a statement he had made earlier that he was determined that Senator Ellender would not be trapped on this subject on the Senate floor and again said that if the propriety of these programs was not resolved by the time the bill is considered in the Senate it would be necessary for the Director or someone in the Administration to review these programs with Senator Fulbright. Woodruff feels that in the final analysis Fulbright is the best person to express the intent of the Senate on the propriety of these programs and any program which is objectionable to him should be eliminated in order to avoid a debate on the Senate floor which would be harmful both to the Senate and to the Agency.

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7. We discussed the question of the effective date of the Fulbright amendment and Woodruff said it could be argued that since the authorization provisions of the bill would not be operative until the appropriations are provided, any restriction contained in the legislation would not be effective until appropriation legislation is enacted.

8. We then discussed means to assure compliance with the spirit of congressional action on the Authorization bill insofar as transfers were concerned. Mr. Woodruff said he would be happy to sit down with representatives of DOD and the Agency to go over each of the various programs.

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Deputy Legislative Counsel

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